FACILITIES USE POLICY

A. Purpose

I. The purpose of this policy is to provide rules and procedures for the use of property, buildings, and facilities owned or controlled by The University of Texas-Pan American in accordance with applicable University of Texas System Board of Regents' *Rules and Regulations*, Series 80000.

B. Use of University Facilities

1. The property, buildings, or facilities owned or controlled by the University are not open for assembly, speech, or other activities as are the public streets, sidewalks, and parks. The responsibility of the Board of Regents to operate and maintain an effective and efficient system of institutions of higher education requires that the time, place, and manner of assembly, speech, and other activities on the grounds and in the buildings and facilities of the University be regulated. The Board of Regents adopts and promulgates this policy pursuant to the general authority of Texas Education Code Chapter 65 and the specific authority of Texas Education Code Chapter 51.

2. No person, organization, group, association, or corporation may use property, buildings, or facilities owned or controlled by the University for any purpose other than in the course of the regular programs or activities related to the role and mission of the University, unless authorized by the Regents' *Rules and Regulations* and/or the *Handbook of Operating Procedures*. Any authorized use must be conducted in compliance with the provisions of the Regents' *Rules and Regulations*, the *Handbook of Operating Procedures*, and applicable federal, State, and local laws and regulations.

3. Pursuant to the authority conferred upon the Board of Regents by Texas Education Code Section 51.209, in order to protect the safety and welfare of students, employees, patients, and other participants in the programs and activities of the University, it shall be unlawful for any person who is on any property or in a building or facility owned or controlled by the University to refuse to identify himself or herself in the response to a request by an institutional representative. For the purpose of this section, a person identifies himself or herself by:

   a. giving his or her name and complete address substantiated by a current driver's license, voter registration card, or other official documentation; and

   b. stating truthfully whether he or she is a student or employee of the University.

   For the purpose of this section, an "institutional representative" is:

a. any member of the Board of Regents of The University of Texas System or the Counsel and Secretary to the Board;

b. any executive officer or administrative officer of the U.T. System;

c. any administrative officer of the University;

d. any attorney of the U.T. System or the University; and

e. any peace officer or security officer of the U.T. System or the University acting pursuant to authority of Texas law.

Any person who refuses to identify himself or herself in accordance with this section may be convicted of a misdemeanor punishable by a fine of not more than $200.

Students, faculty, or staff who refuse to identify themselves in accordance with this section are also subject to disciplinary action.

C. <u>Use of Property, Buildings, or Facilities by Students' Associations; Registered Student, Faculty, or Staff Organizations; or Officially Recognized Alumni Associations</u>

Subject to constitutional and statutory restrictions on the use of State of Texas property for religious or political purposes, a students' association; a registered student, faculty, or staff organization; or an officially recognized alumni association that qualifies under *Handbook of Operating Procedures*, Section 5.6.2 Policy on Student-Organizations and Facilities Use or *Handbook of Operating Procedures*, Section 6.8.2 Policy on Recognition of Faculty and Staff Organizations, whose fund-raising activities are dedicated to the benefit of the University, may reserve and use buildings, grounds, and facilities owned or controlled by the University in compliance with the University's reasonable and nondiscriminatory time, place, and manner provisions. Groups of students, faculty, or staff who are not registered or groups of alumni other than officially recognized alumni associations, whose fund-raising activities are dedicated to the benefit of the University, may not use the institution's buildings, facilities, or grounds.

1. A students' association, a registered student, faculty, or staff organization, or an alumni association may not reserve or use University property, buildings, or facilities for the purpose of engaging in any project or program with any association, organization, or corporation, or with any individual or group of individuals that are not registered.
2. In compliance with reasonable and nondiscriminatory time, place, and manner regulations of the University, students, faculty, or staff, a students' association, or a registered student, faculty, or staff organization, may petition, post signs, distribute

literature, set up tables and exhibits, or peacefully demonstrate on University property, provided that the posting of signs and the setting up of tables and exhibits may require prior authorization. Other rules regarding use of University facilities may be found in the *Handbook of Operating Procedures*, Section 5.6.2, Policy on Student-Organizations and Facilities Use, and Section 8.4.3 Solicitation on Campus.

3. No person, including a student or employee of the University, shall distribute any petition, handbill, object, or piece of literature; post or carry any sign, placard, or banner; or engage in speech or conduct on property or in buildings or facilities owned or controlled by the U.T. System or a component institution if it is obscene, libelous, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

D. <u>Priorities and Assignments</u>

1. Final authority for scheduling and utilization of all University facilities and space rests with the President. Responsibility for scheduling of facilities and space, except the International Trade and Technology Building, is delegated by the President to the Office of Resource25 Scheduling. Resource25 Scheduling uses Resource25 (R25), an automated reservation system accessible on the R25 Website (https://schedule7.utpa.edu/Schedule7/Calendars/Calendar.aspx) All classes and events are scheduled through R25. The International Trade and Technology Building is scheduled by the Office of the Vice President for External Affairs.

2. Priorities for assignment of University facilities provide guidance for space utilization. Preferences in assignments will be based on a priority system, as follows:

   a. First priority – regularly scheduled instructional activities of programs leading to the attainment of academic credit and degrees.

   b. Second priority – other University activities, including intramural and intercollegiate athletics, cultural programs; lecture series; meetings and activities of campus student, faculty, and staff organizations and departments; social events of registered organizations, and non-credit continuing education programs.

   c. Third priority – educational programs jointly sponsored by the University with off-campus groups or organizations including meetings of learned societies or professional organizations. (See Joint Sponsorship, below)

   In extreme situations when sufficient classroom space is not otherwise available (e.g. due to natural disaster, renovation of an academic building), the President may

appropriate any suitable space not normally used as classrooms (e.g., Library, dining halls, UC meeting rooms), if other scheduling arrangements cannot be made. The director of the appropriated space will be notified as soon as practical and always in advance.

3. The University retains control over use of its facilities, even when leased, and has approval authority over all activities as well as over advertisements and news releases relating to an activity that takes place in University facilities.

4. University organizations and departments will not be charged for use of facilities or equipment; however, they may be charged for services if these services are non-routine or if they must be performed before or after normal working hours.

5. Within the priority system, all authorized use of facilities will be scheduled on a "first-come, first-served" basis, with the understanding that the availability of University facilities for functions other than the institution's own activities is strictly subject to the needs and convenience of the University.

6. Any individual or group authorized to use University facilities must abide by the rules and regulations governing the specific facilities to be used. Failure to abide by the rules and regulations may result in cancellation of the permit to use the facilities. Individuals or groups using University facilities or equipment will be liable for damage.

7. Groups of students, faculty or staff who are not registered may not use the institution's buildings and/or grounds. Registered student, faculty or staff organizations may not enter into joint sponsorship of any on-campus project or program with individuals, groups or students that are not registered. Other rules regarding use of University facilities may be found in the *Handbook of Operating Procedures*, Section 5.6.2, Policy on Student-Organizations and Facility Use, and Section 8.4.3, Solicitation on Campus.

E. <u>Residential Facilities</u>

1. Residential facilities are scheduled by the Office of Residence Life.

2. When regular residence hall occupancy permits, residential facilities may be used by conference or special program participants.

3. Detailed procedures regarding scheduling of residence halls for resident students are provided in the University Catalog.

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F. Parking

Parking areas are assigned by the Chief of University Police for short-term and daily basis scheduling purposes. The following procedure is to be followed for scheduling space:

1. The University office requesting the reservation of parking spaces will be responsible for generating a Request for Police Services to the Chief of University Police. The form should specify the occasion, location and number of spaces to be reserved and the date and time of the event.

2. The Chief of University Police will see that proper procedures are followed. The office requesting the space will cooperate with the Chief of University Police as may be required.

3. The Chief of University Police will:

   a. Reserve the space(s) at least one hour in advance, if possible;

   b. Assign an officer(s) or appropriate personnel to control the reserved lot or space as required;

   c. Make arrangements for barricades as needed to control the reserved area(s).

   d. All special requests for reserved parking shall be made in writing, allowing at least 10 business days to guarantee sufficient time for necessary review and planning.

G. Special Use Facilities

1. Certain University facilities may be designated by the President for other than direct instructional activities, with the following provisions. Requests for Special Use Facilities, except for those in the International Trade and Technology Building, by non-University individuals or groups will be scheduled by the Office of the Director of Auxiliary Services. This office facilitates contracting, scheduling, and billing facility requests for non-University individuals or groups. International Trade and Technology Building facilities will be scheduled by the Office of the Vice President for External Affairs.

   a. Designation as a Special Use Facility shall not constitute the facility a public facility or forum that is open to use by individuals, groups, associations, or corporations on a first come, first served basis.

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b. Priority in the reservation and use of Special Use Facilities shall be given to activities and events sponsored by UTPA that are in furtherance of and related to the educational, cultural, recreational, and athletic programs of the institution.

c. As a lower priority, Special Use Facilities may be rented, at the discretion of the University, by non-University individuals, groups, associations, or corporations for activities or events that support the University's educational mission, without the necessity of joint sponsorship by the institution. Subject to all constitutional and statutory provisions relating to the use of State property or funds for religious or political purposes, Special Use Facilities may be made available for religious and political conferences or conventions.

1. A religious or political organization shall be permitted to use a Special Use Facility only one time during a calendar year.

2. Political or sectarian speakers or candidates for public office may appear under the guidelines established for speakers from off-campus. See *Handbook of Operating Procedures* 5.6.2, Policy on Student-Organizations and Facility Use.

Rental fees, at a minimum, shall ensure recovery of that part of the operating cost of the facility attributable directly or indirectly to such non-University use. If the user charges those attending an event any admission or registration fee, or accepts donations from those in attendance, the University shall require the user to make a complete account of all funds collected and of the actual cost of the event. If the funds collected exceed the actual cost of the event, the non-University user shall be required to remit such excess funds to the institution as an additional charge for the use of the Special Use Facility provided however, the Board may permit exceptions to this requirement by the authorization of specific special use agreements via the Docket or Agenda.

The following facilities have been designated as Special Use Facilities:

a. Health & Kinesiology I and II Buildings and Courtyard

b. Fine Arts Auditorium

c. Fine Arts Courtyard

d. UTPA Annex

e. Intramural and Recreation Fields

f. Media Theater

g. University Center Ballroom

h. University Center Xochitl Room

i. University Center Conference Rooms

j. University Center Circle

k. Albert Jeffers Theater

l. Fine Arts Recital Hall

m. Library Regency Room

n. Business Administration Auditorium

o. Chapel

p. International Trade and Technology Lobby

q. International Trade and Technology Board Room

r. International Trade and Technology International Room

s. Engineering Auditorium

t. Sabinal Plaza

u. Sundial Plaza

v. Quadrangle

w. Visitor Center

H. Joint Sponsorship

Except as permitted in *Handbook of Operating Procedures*, Section 8.4.3, Solicitation on Campus, and Sections G (Special Use Facilities) and K (Filming Motion Pictures or Television Productions) of this policy, the use of property, buildings, or facilities owned or

controlled by the University by individuals who are not students, faculty, or staff; by groups that are not registered student, faculty, or staff organizations; or by associations or corporations for programs or activities must be jointly sponsored by the University and shall be subject to the following conditions:

1. The program or activity must be upon the invitation of the University. Only the President or his or her delegate can authorize joint sponsorship.

2. In order for joint sponsorship to be appropriate, the educational implications of a program or activity must be self-evident, must directly supplement the educational purposes of the University, and must not result in financial gain for the invited individuals, group or association, or corporation.

3. The University, established as a public institution without regard to political affiliation or religious faith, cannot be a joint sponsor with any non-campus organization for political or sectarian gatherings.

4. The University will be responsible for all details of the program or activity**,** and reserves the right to approve all copy for advertising and news releases, and may require the external sponsor to submit an accounting of the income and expenses directly related to the program or activity to the Director of Auxiliary Services. If the funds collected exceed the actual cost of the event, the non-University user shall be required to remit such excess funds to the institution as an additional charge for the use of the Special Use Facility.

5. The scheduling of property, buildings, or facilities for programs or activities of the University shall always have priority over the scheduling for programs or activities that are jointly sponsored.

6. The fee to be paid by the invited individual, group, association, or corporation will be a matter for negotiation in each case and will be specified in the agreement providing for the joint sponsorship. At a minimum, the fee must ensure recovery of the cost incurred by the University.

7. Procedures for requesting joint sponsorship shall be available through the Office of the Director of Auxiliary Services.

I. <u>Filming Motion Pictures or Television Productions</u>

The President may authorize the use of property, buildings, or facilities owned or controlled by the University for filming motion pictures or television productions under a written

agreement approved pursuant to U.T. System procedures. Requests to film motion picture or television productions will be reviewed and considered on a case-by-case basis and, subject to the provisions of Regents' *Rules and Regulations*, it shall be within the discretion of the President to determine whether to grant the request. The safety of students, faculty, and staff; the potential for damage to buildings, facilities, or property and for disruption of administrative or academic programs or other scheduled activities; and the subject matter of the film shall be of primary consideration in determining whether to grant a filming request. Additional requirements and conditions may be found in Regents' *Rules and Regulations* (http://utsystem.edu/bor/rules.htm).

J. Use of Facilities for Weddings

The President may designate one or more indoor and/or outdoor areas that may be used for weddings, subject to the following conditions:

1. Requests for use of such space must be made at least fourteen days in advance.

2. Use of such space for activities of the University shall have priority over weddings.

3. A charge for the use of such space will be made that at least recovers the actual cost.

4. The user shall be required to execute a Facilities Use Agreement, the form and content of which has been approved by the U.T. System Office of General Counsel and provides for adequate insurance.

K. Animals on Campus

With the exception of certified support animals and animals involved in approved University activities, animals are not permitted in any university building. Animal(s) may be brought onto campus, other than in buildings, but should be appropriately restrained and/or contained. The owner shall be responsible for cleaning up after the animal.

L. **Events Calendar**

An events calendar is maintained by the R25 reservations system and may be found on the R25 website (https://schedule7.utpa.edu/Schedule7/Portal/GuestPortal.aspx).

M. Review

This policy shall be reviewed every five years by the Director of Auxiliary Services.